

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

LUIGI WARREN,

Plaintiff,

vs.

THE CHILDREN'S HOSPITAL CORP.,

Defendant

Civ. A. No. 17-12472-DLC

DEFENDANT'S ASSENTED-TO MOTION TO IMPOUND

The defendant, The Children's Hospital Corporation ("the Hospital"), moves, pursuant to L.R. 7.2, to impound the memorandum in support of its opposition to the plaintiff's ("Warren's") motion for leave to amend, which is due to be filed on May 18, 2020, and a declaration that will be submitted in support of the opposition, until further order of the Court. In support of this motion, the Hospital states as follows.

1. In its opposition, the Hospital intends to refer to the details of its sale of Moderna stock. Because the Hospital negotiates IP licensing agreements with companies that intend to commercialize inventions and patents owned by the Hospital, the dollar amounts at issue and the number of shares at issue are commercially sensitive, and making that information public would place the Hospital at a commercial disadvantage.

2. Moderna also has a confidentiality interest in the number of shares IDI and the Hospital received, as that information is contained in the parties' confidential license agreement. The license agreement has been produced in discovery in this case, but only subject to a protective order.

3. This motion is similar to the Hospital's prior motion to impound (ECF 49), which the Court granted at the time the Hospital filed its motion for summary judgment, and it should be granted for similar reasons. The Hospital will publicly file redacted versions of its papers. It will file the redacted versions under seal and will serve them on Warren.

For these reasons, the Hospital respectfully requests that the Court grant this motion. Dr. Warren has assented to the relief sought herein.

Respectfully submitted,

THE CHILDREN'S HOSPITAL CORP.

By its attorneys:

/s/ Theodore J. Folkman

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Dated: April 18, 2020

CERTIFICATE

Pursuant to L.R. 7.1, I certify that on April 10 and 15, 2020, I conferred with the defendant via email, and he assented to this motion.

/s/ Theodore J. Folkman

Theodore J. Folkman